IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 82 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VADODARA DIST PANCHAYAT

Versus

RAMESHBHAI AMARSINH PARMAR

Appearance:

MR HS MUNSHAW for Petitioner

MR MS MANSURI for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 12/06/2001

ORAL JUDGEMENT

Reading the award passed in Reference (LCP) No.453 of 1993 dated 18th May 2000 no irregularity can be said to have been committed by the learned Judge in view of the contents of para 2 of the award wherein it is

specifically mentioned that the notice was issued to the first party i.e. Primary Health Centre at Koyili, Taluka and District Valsad and the same was served along with the statement of claim, a receipt of the same is produced. No reply is filed by the first party though the matter was pending before the Court for a period more than a year. Therefore, having no other alternative, the Court had to accept exh.8 given by the second party to close the right of the first party to file the reply of the statement of claim. Thereafter second party Rameshbhai Amarsinh Parmar was examined at Exh.10 and nobody was present from the first party for cross-examination. The Labour Court has recorded in terms that at exh.16 the notice was issued and the same was served by Registered Post A/D.

2 It will be open for the present petitioner to hold an enquiry to decide as to who is the responsible officer for the same and it will be open for him to recover the amount which becomes payable to the respondent from him in his personal capacity. The petitioner shall produce its decision of holding or not holding an enquiry and also the result of such inquiry if it is decided to be undertaken by the present petitioner.

3 The present application is disposed of with the aforesaid observations. Rule is discharged with no order as to costs.

(Ravi R Tripathi, J.)

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(mohd)